



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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US EPA RECORDS CENTER REGION 5



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(317) 232-8603  
(800) 451-6027  
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STATE OF INDIANA	)	BEFORE THE INDIANA DEPARTMENT
	)	SS: OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION	)	
COMMISSIONER OF THE DEPARTMENT	)	
OF ENVIRONMENTAL MANAGEMENT,	)	
	)	
Complainant,	)	
	)	
vs.	)	Case No. 2000-10230-S
	)	
SERVICE SANITATION, INC.,	)	
	)	
Respondent.	)	

## AGREED ORDER

The Complainant and the Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order.

### I. FINDINGS OF FACT

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management, a department of the State of Indiana created by IC 13-13-1-1.
2. Respondent is Service Sanitation, Inc. ("Respondent"), which owns and operates a portable toilet service company located at 135 Blaine St., in Gary, Indiana ("Site").
3. The Indiana Department of Environmental Management ("IDEM") has jurisdiction over the parties and the subject matter of this action.

SCANNED

4. Pursuant to IC 13-30-3-3, on April 2, 2001, IDEM issued a Notice of Violation via Certified Mail to:  
Richard Solle  
President and  
Registered Agent for:  
Service Sanitation, Inc.  
135 Blaine St.  
Gary, IN 46406
5. An inspection, on January 22, 2001, was conducted at the Site by a representative of IDEM's Office of Land Quality. The following violations were in existence or observed at the time of this inspection:
  - A. Pursuant to 327 IAC 7-7-1(a), no facilities for the storage of wastewater shall be constructed or installed without prior approval of the commissioner and compliance with this rule (327 IAC 7-7). Service Sanitation, Inc. installed and operated wastewater storage tanks, at the site, prior to receiving approval from the Commissioner.
  - B. Pursuant to 327 IAC 7-7-5, wastewater storage tanks shall be located, constructed and operated in compliance with subsections (a), (b) & (c). The wastewater storage tanks, at the site, were not in compliance with location, construction and operation requirements.
6. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

## **II. ORDER**

1. This Agreed Order shall be effective ("Effective Date") when it is approved by the Complainant or her delegate, and has been received by the Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. The Respondent shall not construct, install or operate wastewater storage structures without prior approval of the Commissioner and compliance with rule 327 IAC 7-7.
3. All submittals required by this Agreed Order, unless notified otherwise in writing, shall be sent to:

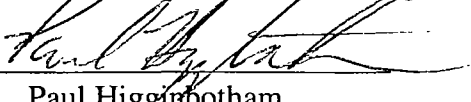
Craig Henry, Enforcement Case Manager  
Office of Enforcement  
Indiana Department of Environmental Management

100 N. Senate Avenue  
P. O. Box 6015  
Indianapolis, IN 46206-6015

4. Respondent is assessed a civil penalty of Four Thousand Six Hundred Dollars (\$4,600.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within 30 days of the Effective Date of this Agreed Order.
5. Civil penalties are payable by check to the Environmental Management Special Fund. Checks shall include the Case Number of this action and shall be mailed to:  

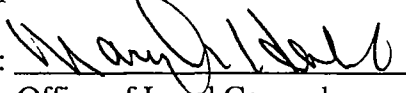
Cashier  
IDEM  
100 N. Senate Avenue  
P. O. Box 7060  
Indianapolis, IN 46207-7060
6. In the event that the civil penalty required by Order paragraph 4, is not paid within thirty (30) days of the Effective Date of this Agreed Order, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall continue to accrue until the civil penalty is paid in full.
7. This Agreed Order shall apply to and be binding upon the Respondent, its successors and assigns. The Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this document and legally bind the parties they represent. No change in ownership, corporate, or partnership status of the Respondent shall in any way alter its status or responsibilities under this Agreed Order.
8. In the event that any terms of the Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if the Agreed Order did not contain the invalid terms.
9. The Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
10. This Agreed Order shall remain in effect until the Respondent has complied with all terms and conditions of this Agreed Order.

TECHNICAL RECOMMENDATION:  
Department of Environmental Management

By:   
Paul Higginbotham  
Chief, Solid Waste/UST section  
Office of Enforcement

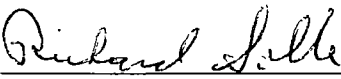
Date: 6/18/01

COUNSEL FOR COMPLAINANT:  
Department of Environmental Management

By:   
Office of Legal Counsel  
Department of Environmental Management

Date: 7-17-01

RESPONDENT:  
Service Sanitation, Inc.

By: 

Printed: Richard Scille

Title: owner

Date: 7-9-01

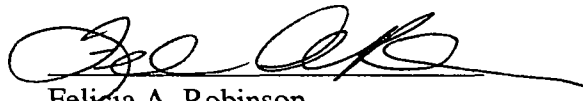
COUNSEL FOR RESPONDENT:

By: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT THIS 18 DAY OF July, 2001.

For the Commissioner:

  
Felicia A. Robinson  
Assistant Commissioner  
Office of Enforcement